

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Candace Taylor	Team: Squad #6	CCRB Case #: 201408246	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input checked="" type="checkbox"/> Injury
Incident Date(s) Saturday, 05/31/2014 6:44 AM	Location of Incident: § 87(2)(b) en route to the 103rd and 112th Precinct stationhouses	Precinct: 103	18 Mo. SOL 11/30/2015	EO SOL 11/30/2015	
Date/Time CV Reported Sun, 08/03/2014 10:24 PM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Tue, 08/12/2014 3:37 PM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Witness(es)	Home Address
§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. POM Stephen Loschiavo	06880	949225	103 PCT
2. POM Joseph Aniano	00106	948620	103 PCT
3. An officer			

Officer(s)	Allegation	Investigator Recommendation
A. POM Stephen Loschiavo	Force: At § 87(2)(b) in Queens, PO Stephen Loschiavo pointed his gun at § 87(2)(b)	§ 87(2)(b)
B. POM Joseph Aniano	Force: At § 87(2)(b) in Queens, PO Joseph Aniano pointed his gun at § 87(2)(b)	§ 87(2)(b)
C. An officer	Discourtesy: At § 87(2)(b) in Queens, an officer spoke discourteously to § 87(2)(b)	§ 87(2)(b)
D. An officer	Force: At § 87(2)(b) in Queens, an officer restricted § 87(2)(b)'s breathing.	§ 87(2)(b)
E. An officer	Force: At § 87(2)(b) in Queens, an officer used physical force against § 87(2)(b)	§ 87(2)(b)
F. POM Stephen Loschiavo	Force: PO Stephen Loschiavo used physical force against § 87(2)(b)	§ 87(2)(b)
G. POM Stephen Loschiavo	Discourtesy: At § 87(2)(b) in Queens, PO Stephen Loschiavo acted discourteously toward § 87(2)(b)	§ 87(2)(b)
H. POM Stephen Loschiavo	Force: At § 87(2)(b) in Queens, PO Stephen Loschiavo used physical force against § 87(2)(b)	§ 87(2)(b)
I. POM Stephen Loschiavo	Discourtesy: At § 87(2)(b) in Queens, PO Stephen Loschiavo spoke discourteously to § 87(2)(b)	§ 87(2)(b)
J. POM Joseph Aniano	Abuse: En route to the 112th Precinct stationhouse, PO Joseph Aniano did not obtain medical treatment for § 87(2)(b)	§ 87(2)(b)
K. POM Stephen Loschiavo	Abuse: En route to the 112th Precinct stationhouse, PO Stephen Loschiavo did not obtain medical treatment for § 87(2)(b)	§ 87(2)(b)

Officer(s)	Allegation	Investigator Recommendation
L.POM Stephen Loschiavo	Force: En route to the 103rd Precinct stationhouse, PO Stephen Loschiavo used physical force against § 87(2)(b)	

### Case Summary

On August 3, 2014, § 87(2)(b) filed this complaint via phone with the Internal Affairs Bureau. It was forwarded to the CCRB on August 12, 2014, with log number 14-26753. On August 28, 2014, § 87(2)(b) contacted the CCRB as § 87(2)(b) and reported this complaint.

On May 31, 2014, at approximately 6:44 a.m., § 87(2)(b) left the scene of a motor vehicle accident at the intersection of Merrick Boulevard and Liberty Avenue in Queens, and was pursued by PO Joseph Aniano and PO Stephen Loschiavo of the 103<sup>rd</sup> Precinct to § 87(2)(b) in Queens. PO Loschiavo and PO Aniano approached § 87(2)(b) with their guns pointed (**Allegations A and B**). An officer called § 87(2)(b) a “Hoodlum” and a “Piece of shit” (**Allegation C**). § 87(2)(b) was taken to the ground and an officer put pressure on his back, making it difficult for § 87(2)(b) to breathe (**Allegation D**). An officer punched § 87(2)(b) in the stomach (**Allegation E**). As the officers were placing § 87(2)(b) in handcuffs, PO Loschiavo slapped § 87(2)(b) in the back of the head (**Allegation F**).

In the patrol car, PO Loschiavo allegedly spat in § 87(2)(b)'s face (**Allegation G**) and punched him in the stomach (**Allegation H**) (01 Board Review). § 87(2)(b)'s father, § 87(2)(b) approached the scene and alleged that PO Loschiavo said, “Your fucking son is under arrest for leaving the scene of an accident.” When § 87(2)(b) asked for his son to be taken to the hospital, PO Loschiavo said “Don’t fucking question me, he left the scene and he is under arrest at this time.” During their conversation PO Loschiavo said, “No fucking captain can do that.” “You don’t motherfucking tell me how to do my job.” “This is no fucking captain’s job, it’s my job.” “That’s what you fucking preachers are all about. Right now I’m doing my fucking job and you can’t obstruct” (**Allegation I**) (02 Board Review). En route to the 112<sup>th</sup> Precinct stationhouse, PO Aniano and PO Loschiavo did not obtain medical treatment for § 87(2)(b) (**Allegations J and K**).

En route to the 103<sup>rd</sup> Precinct stationhouse, while in the backseat of the patrol car, PO Loschiavo allegedly bit § 87(2)(b) once on the left forearm (**Allegation L**) (01 Board Review). § 87(2)(b) was charged with § 87(2)(b) (06 Board Review).

This case was initially assigned to Investigator Luke Petrinovic on September 11, 2014 and was reassigned to Investigator Candace Taylor on December 11, 2014.

### Mediation, Civil and Criminal Histories

This case was ineligible for mediation because § 87(2)(b) was arrested. As of April 3, 2015, § 87(2)(b) and § 87(2)(b) have not filed a Notice of Claim for this incident (08 Board Review). [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

### Civilian and Officer CCRB Histories

- This is the first complaint filed by § 87(2)(b) and § 87(2)(b) (10 Board Review).

- PO Loschiavo has been a member of the NYPD for 4 years with no substantiated allegations (Officer History).
- PO Aniano has been a member of the NYPD for 4 years with no substantiated allegations (Officer History).

### **Video Footage**

Video footage was obtained from § 87(2)(b) which he retrieved from a commercial space near his residence. The video is approximately 20 minutes long and it shows some of the incident between § 87(2)(b) and the officers. In the video footage, a wooden pole obstructs portions of the incident (Board Review and 11 Board Review). What can be seen from the video is the following:

- At 06:44:34, PO Loschiavo and PO Aniano exit their patrol car, draw their guns and pointed in § 87(2)(b)'s direction.
- At 06:44:46, the driver side door of § 87(2)(b)'s car is opened but it is unclear which officer opened the door because a wooden pole obstructs the view.
- At 06:44:52, PO Loschiavo and PO Aniano pull § 87(2)(b) to the ground. PO Aniano is to the left of § 87(2)(b) while PO Loschiavo is to his right.
- From 06:45:05 to 06:45:10, PO Loschiavo, PO Aniano and § 87(2)(b) are involved in what appears to be a struggle and some of the actions are obstructed by the wooden pole. PO Loschiavo slaps § 87(2)(b) in the back of the head.
- At 06:46:48, PO Aniano opens the rear door behind the front passenger seat of the patrol car and § 87(2)(b) is placed inside the vehicle.

### **Findings and Recommendations**

#### **Explanation of Subject Officer Identification**

- § 87(2)(b) stated that two male officers approached him with their guns drawn and pointed at § 87(2)(b) in Queens. Both PO Loschiavo and PO Aniano were confirmed from the event report and corresponding roll call that they responded to the scene. Both officers stated that they chased § 87(2)(b) who fled the scene of an accident and that they drew and pointed their guns as they approached § 87(2)(b) (01 Board Review). § 87(2)(g)
- § 87(2)(b) stated that an officer used the terms, “hoodlum” and “piece of shit” when he was being removed from his vehicle and that an officer placed what felt like a knee on his back which impaired § 87(2)(b)'s breathing. He was unable to see which officer committed these actions since his back was turned to PO Aniano and PO Loschiavo and the actions were not shown in the video footage. He also stated that he was turned onto his side, at which time an officer punched him in the stomach (01 Board Review). Although PO Aniano and PO Loschiavo were the only officers present for these allegations, they both denied making these statements and did not take the actions § 87(2)(b) described (04 Board Review and 05 Board Review). § 87(2)(g)
- § 87(2)(b) stated that an officer slapped him in the back of his head after he was placed in handcuffs but did not know which officer did this (01 Board Review). The video footage showed that the driver of the patrol car was the officer that struck § 87(2)(b) in the back of the head (Board Review and 11 Board Review). During their CCRB statements, the officers confirmed that PO Loschiavo was the operator of the patrol car throughout the incident (04 and 05 Board Review). § 87(2)(g)

- § 87(2)(b) saw the shield number for one of the officers and recalled the same number on his arrest paperwork. He misidentified PO Loschiavo as the passenger in the patrol car and that PO Loschiavo spat in his face and punched him in the stomach (01 Board Review). § 87(2)(g)
- § 87(2)(b) stated that an officer named, PO Steven Schiabo, spoke discourteously toward him at § 87(2)(b) (02 Board Review). § 87(2)(g)
- § 87(2)(b) stated that he told the officers that transported him in the patrol car that he wanted to go to the hospital on multiple occasions (01 Board Review). PO Aniano and PO Loschiavo were the only officers to transport § 87(2)(b) throughout the incident and § 87(2)(g)
- § 87(2)(b) stated that en route to the 103<sup>rd</sup> stationhouse, PO Loschiavo sat in the backseat with him and bit his left forearm (01 Board Review). § 87(2)(g)

### **Allegations not pleaded**

**Force:** § 87(2)(b) stated that PO Aniano and PO Loschiavo opened the door to his car and that one of the officers grabbed him by his shirt and pulled him out of the car. § 87(2)(g)

**Property Damaged:** § 87(2)(b) stated that when one of the officers grabbed him by the shirt, some of the buttons fell off while he was being removed from his car. § 87(2)(g)

**Allegation A- Force: At** § 87(2)(b) **in Queens, PO Stephen Loschiavo pointed his gun at** § 87(2)(b)

**Allegation B- Force: At** § 87(2)(b) **in Queens, PO Joseph Aniano pointed his gun at** § 87(2)(b)

It is undisputed that § 87(2)(b) left the scene of a motor vehicle accident and PO Aniano and PO Loschiavo later pointed their guns at § 87(2)(b)

An officer can draw and point his firearm as long as he has a reasonable fear for his own or another's personal safety. The determination as to when that exercise of discretion rises to the level of misconduct must be made by assessing the reasonableness of the officer's actions in the totality of the surrounding circumstances. Police Department v. Gliner, OATH Index No. 95/00 (Sept. 6, 2000). (15 Board Review).

§ 87(2)(b) stated he left the scene of a motor vehicle accident to go home and retrieve his insurance card. § 87(2)(b) informed the other motorist that he would return with his insurance. When he arrived home, he saw a patrol car driving toward him and did not recall if the siren and turret lights were activated. When the patrol car stopped, PO Aniano and PO Loschiavo got out and ran toward § 87(2)(b) with their guns drawn and pointed and when the officers reached § 87(2)(b) they both stuck their guns very

close to his head. In a phone statement taken on January 5, 2015, § 87(2)(b) stated that at least one of the guns touched the left side of his head (01 and 19 Board Review).

During his CCRB statement, PO Loschiavo stated that he and PO Aniano were on patrol when they heard what sounded like a car accident. PO Loschiavo saw a green sedan with front end damage flee from the scene. PO Loschiavo attempted to pull the vehicle over by activating the siren and turret lights but the vehicle did not stop. PO Loschiavo and PO Aniano pursued the green sedan which made a traffic infraction by ignoring a stop sign on 177<sup>th</sup> Street and continued to 177<sup>th</sup> Street and 104<sup>th</sup> Avenue. The officers approached the vehicle with their guns drawn. PO Loschiavo told § 87(2)(b) to stop his vehicle, put it in park and to get out of the vehicle several times. § 87(2)(b) did not put the vehicle in park and it rolled toward the officers as they approached. § 87(2)(b) did not comply with other directives and he was moving erratically inside the vehicle. PO Loschiavo stated that he drew his gun because he was uncertain of the circumstances that led § 87(2)(b) to flee the accident, but did not recall any officer reaching into the window with a gun (05 and 22 Board Review).

PO Aniano stated that he and PO Loschiavo were hidden from view in a parking lot to observe traffic when he heard a crash. PO Aniano saw a brown car leaving the scene with a trail of vehicle fluid. PO Aniano and PO Loschiavo followed the vehicle several blocks. The turret lights and siren were activated during the chase. The brown vehicle stopped at the corner of § 87(2)(b). PO Aniano and PO Loschiavo began to approach § 87(2)(b) but they could not see his hands because of an arch in the dashboard. PO Aniano told § 87(2)(b) multiple times to show his hands and when he failed to comply, PO Aniano and PO Loschiavo drew and pointed their guns at § 87(2)(b). PO Aniano drew his gun because he feared for PO Loschiavo's safety as well as his own and he did not know what led § 87(2)(b) to flee from the scene of an accident. PO Aniano stated that he did not have his gun very close to § 87(2)(b)'s head (04 and 21 Board Review).

The 911 call placed by the other motorist, § 87(2)(b), did not include any conversation between herself and § 87(2)(b) in which he informed her that he was going to leave the scene and return with his insurance card. Rather, § 87(2)(b) stated that the driver ran a light and continued driving after he hit her car which was facing on-coming traffic after the accident (16 Board Review).

Video footage from the incident showed § 87(2)(b) attempting to park a vehicle with front-end damage. Shortly after, a patrol car is seen with its turret lights flashing. PO Aniano and PO Loschiavo exited the patrol car, drew their guns and pointed them (06:44:31). After what appeared to be a brief verbal exchange, PO Aniano reached into the driver side window with his right arm while holding his firearm (06:44:39- 06:44:41) and shortly after, both officers opened the driver side door and removed § 87(2)(b) (Board Review and 11 Board Review).

§ 87(2)(b) acknowledged that he left the scene of an accident and made inconsistent statements regarding directives from the officers about getting out of his vehicle and was inconsistent with the proximity of the officers' weapons to his head. The video footage shows that PO Aniano had the weapon in his hand as he reached into the window while attempting to remove § 87(2)(b) from the vehicle. § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(g)

**Allegation C- Discourtesy: At § 87(2)(b) in Queens, an officer spoke discourteously to § 87(2)(b)**

§ 87(2)(b) stated that either PO Aniano or PO Loschiavo was shouting at him after they drew their guns. The officers told § 87(2)(b) to get out of the car and used profanity but could not recall exactly what they said but recalled being called a “hoodlum” and a “piece of shit” (01 Board Review).

The officers denied using the terms, “hoodlum” or piece of shit” when they spoke to § 87(2)(b) (04 and 05 Board Review). Furthermore, PO Loschiavo did not use any profanity toward § 87(2)(b) and did not hear PO Aniano use any profanity toward § 87(2)(b) (05 and 22 Board Review).

Although the video footage showed that only PO Aniano and PO Loschiavo were present during this allegation, the video footage has no audio and it is unclear which officer used discourteous language toward § 87(2)(b) (Board Review).

§ 87(2)(g)

**Allegation D-Force: At § 87(2)(b) in Queens, an officer restricted § 87(2)(b)'s breathing.**

**Allegation E- Force: At § 87(2)(b) in Queens, an officer used physical force against § 87(2)(b)**

§ 87(2)(b) stated that he was taken to the ground and landed on his stomach and felt pressure on his back. He believed the pressure felt like an officer’s knee and told PO Loschiavo and PO Aniano that he could not breathe but the officers did not respond to his complaint. § 87(2)(b) was then turned onto his side, at which time one of the officers punched him in the stomach. § 87(2)(b) also stated that this could be seen in the video footage (01 Board Review).

PO Loschiavo stated that he reached into the vehicle, pulled § 87(2)(b) out and took him to the ground. § 87(2)(b) did not physically resist when PO Loschiavo pulled him out of the vehicle. PO Loschiavo did not recall placing his knee or any other part of his body on § 87(2)(b)'s back. PO Loschiavo stated that § 87(2)(b) did not complain of having difficulty breathing. After § 87(2)(b) was placed in handcuffs, he was picked up by the officers. PO Loschiavo did not observe any injuries on § 87(2)(b) but noticed that § 87(2)(b) was unsteady on his feet and that his breath smelled of alcohol. PO Loschiavo stated that no additional force was used on § 87(2)(b). PO Loschiavo did not punch § 87(2)(b) in the stomach while he was on the ground (05 and 22 Board Review).

PO Aniano stated that both he and PO Loschiavo pulled § 87(2)(b) to the ground where he landed on his stomach. When PO Aniano tried to handcuff § 87(2)(b) he

resisted by tensing his arms and locking them against his body. PO Aniano kned § 87(2)(b) in the shoulder to gain compliance. PO Aniano felt that this action was the minimum amount of force necessary to overcome § 87(2)(b)'s resistance. PO Aniano did not recall using his foot or any other part of his body to put any pressure on § 87(2)(b)'s back after he was taken to the ground. After § 87(2)(b) was handcuffed, he told the officers that he was in the military and wanted a break. PO Aniano told him that was not going to happen. PO Aniano observed § 87(2)(b) was incoherent when he spoke, his breath smelled of alcohol and his eyes were blood shot and watery. The officers turned § 87(2)(b) on his side so that he did not asphyxiate himself and then PO Aniano and PO Loschiavo picked him up. Neither PO Loschiavo nor PO Aniano punched § 87(2)(b) in the stomach (04 and 21 Board Review).

Both PO Loschiavo and PO Aniano can be seen in the video footage with § 87(2)(b) on the ground attempting to place § 87(2)(b) in handcuffs. However, some of the video footage is obstructed by a wooden pole (06:44:50- 06:46:08). § 87(2)(b) did resist in some capacity by tensing his arms and locking them against his body as the officers tried to place his hands behind his back. However, the video footage did not depict an officer with his knee or any other body part on § 87(2)(b)'s back nor did it show an officer punching § 87(2)(b) in the stomach (Board Review and 11 Board Review).

§ 87(2)(g)

**Allegation F- Force: PO Stephen Loschiavo used physical force against § 87(2)(b)**

§ 87(2)(b) stated that one of the officers slapped him in the back of the head after he was placed in handcuffs (01 Board Review).

An officer is allowed to use the minimum amount of force necessary to overcome resistance to effect an arrest. NYPD Patrol Guide Section 203-11. (17 Board Review).

PO Loschiavo denied slapping § 87(2)(b) in the back of the head during the handcuffing process and PO Aniano did not see PO Loschiavo take this action. Both officers were presented with the video footage of the incident following their CCRB testimony. However, they still did not recall this action at the time of the incident and could not determine which officer made this gesture (04 and 05 Board Review).

The video footage showed (06:45:05- 06:45:10) that the operator of the patrol car, struck § 87(2)(b) to the back of his head (Board Review and 11 Board Review). § 87(2)(b) mistakenly stated that PO Loschiavo was in the front passenger seat of the patrol car. However, PO Loschiavo confirms that he was the operator of the patrol car and PO Aniano corroborated this statement. Although PO Loschiavo denied striking § 87(2)(b) in the back of the head, he admitted that he was directly in front of the patrol car and to the right of § 87(2)(b) when he was on the ground after seeing the video footage. § 87(2)(g)



§ 87(2)(g)

**Allegation G- Discourtesy: At § 87(2)(b) in Queens, PO Stephen Loschiavo acted discourteously toward § 87(2)(b)**

**Allegation H- Physical Force: At § 87(2)(b) in Queens, PO Stephen Loschiavo used physical force against § 87(2)(b)**

Before § 87(2)(b) left § 87(2)(b) and transported to the 112<sup>th</sup> Precinct Stationhouse, he stated that the officers placed him in the patrol car, at which time PO Loschiavo got into the backseat as well and proceeded to spit in § 87(2)(b)'s face and then punched him in the stomach (01 Board Review).

PO Loschiavo denied spitting in § 87(2)(b)'s face and punching him in the stomach while § 87(2)(b) was in the backseat of the patrol car (05 Board Review). PO Aniano did not see PO Loschiavo take these actions against § 87(2)(b) and denied taking these actions himself (04 Board Review).

The video footage did not depict any officer getting into the rear of the patrol car with § 87(2)(b) at § 87(2)(b). Although five additional units responded to the scene and several officers opened at least one of the rear doors of the patrol car in which § 87(2)(b) was an occupant but none of these officers entered the vehicle with § 87(2)(b). It is possible that these allegations were not captured in the video footage (Board Review and 11 Board Review).

§ 87(2)(g)

**Allegation I- Discourtesy: At § 87(2)(b) in Queens, PO Stephen Loschiavo spoke discourteously to § 87(2)(b)**

§ 87(2)(b) stated that PO Loschiavo came to his house and told him that his son, § 87(2)(b) had been arrested. § 87(2)(b) observed damage to § 87(2)(b)'s vehicle and asked if his son had been taken to the hospital. PO Loschiavo allegedly said, "Right now we're not talking about that. Your fucking son is under arrest for leaving the scene of an accident." § 87(2)(b) continued to ask PO Loschiavo to take his son to the hospital and PO Loschiavo allegedly replied, "Don't fucking question me. He left the scene and he is under arrest at this time." § 87(2)(b) asked if he could call Dt. Richard Lowe, who was the community affairs officer or Cpt. John Orellano, who was the Precinct's commanding officer and PO Loschiavo allegedly said, "No fucking captain can do that." § 87(2)(b) continued to insist that his son be taken to the hospital and PO Loschiavo responded, "You don't motherfucking tell me how to do my job." § 87(2)(b) told PO Loschiavo that he was going to call PO Loschiavo's boss and he allegedly replied, "This is no fucking captain's job. It's my job. Right now, your son is under arrest. That's what you fucking preachers are all about. Right now I'm doing my fucking job and you can't obstruct" (02 and 18 Board Review).

PO Loschiavo stated that he realized that § 87(2)(b) lived at § 87(2)(b) when he saw his driver's license. § 87(2)(b) had left his house, which was at the corner of § 87(2)(b). PO Aniano told PO Loschiavo that § 87(2)(b) was § 87(2)(b)'s father. PO Aniano and § 87(2)(b) were having a conversation while PO Loschiavo remained by the patrol car with § 87(2)(b). PO Loschiavo approached § 87(2)(b) at which time § 87(2)(b) asked the officer what happened. PO Loschiavo explained that the vehicle would be released at the scene because § 87(2)(b) was the registered owner and explained what transpired with § 87(2)(b). PO Loschiavo denied making the above statements toward § 87(2)(b). PO Loschiavo received a business card from § 87(2)(b) but did not recall the information on the card. PO Loschiavo recalled that § 87(2)(b) mentioned Dt. Richard Lowe and Cpt. John Orellano but stated that the business card did not belong to either of these men. PO Loschiavo did not use any profanity toward § 87(2)(b) (05 and 22 Board Review).

PO Aniano did not hear any officer make the above statements toward § 87(2)(b) and did not see any other officer interact with § 87(2)(b). PO Aniano had asked § 87(2)(b) where he lived and he said at the corner of the street. He also told PO Aniano that his parents were home. PO Aniano went to the front of the house, which was on § 87(2)(b) and spoke to § 87(2)(b)'s parents. PO Aniano explained to § 87(2)(b) that his son was involved in a car accident and that he might be under the influence. During their conversation, § 87(2)(b) pulled out a business card that belonged to PO Aniano's former commanding officer and expressed that he wanted PO Aniano and PO Loschiavo to let the arrest slide as a favor § 87(2)(f). PO Aniano denied making the above statements toward § 87(2)(b) but stated that it was probable that he told § 87(2)(b) that he was not going to lose his job (04 and 21 Board Review).

§ 87(2)(g)  
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§ 87(2)(g)

**Allegation J- Abuse: En route to the 112th Precinct stationhouse, PO Joseph Aniano did not obtain medical treatment for § 87(2)(b)**

**Allegation K- Abuse: En route to the 112th Precinct stationhouse, PO Stephen Loschiavo did not obtain medical treatment for § 87(2)(b)**

§ 87(2)(b) stated that on the way to the 112<sup>th</sup> Precinct stationhouse, he asked PO Aniano and PO Loschiavo to be taken to the hospital at least 5 times. At the stationhouse, § 87(2)(b) was taken up to a room and asked to do a sobriety test, which he refused (01 Board Review). A request for medical treatment of prisoner report was returned as none provided.

PO Loschiavo stated that § 87(2)(b) declined when he asked if he needed medical attention. § 87(2)(b) did not ask for medical attention at any time during the incident. PO Loschiavo did not observe any injuries on § 87(2)(b) and when they arrived at the 112<sup>th</sup> stationhouse, § 87(2)(b) refused to take the Intoxicated Driver Testing Unit test (05 and 22 Board Review).

PO Aniano stated that § 87(2)(b) did not ask for medical attention throughout his interaction with the officers. Furthermore, PO Aniano asked § 87(2)(b) if he needed medical attention and he did not observe any injuries on § 87(2)(b). At the 112th Precinct stationhouse, PO Loschiavo escorted § 87(2)(b) for a DWI test, which he refused to take (04 and 21 Board Review).

§ 87(2)(g)

**Allegation L- Force: En route to the 103rd Precinct stationhouse, PO Stephen Loschiavo used physical force against § 87(2)(b)**

§ 87(2)(b) stated that after leaving the 112th Precinct Stationhouse, PO Aniano and PO Loschiavo took him to the 103rd Precinct Stationhouse. On the way, PO Loschiavo rode in the backseat with § 87(2)(b) and removed his handcuffs. PO Loschiavo pulled § 87(2)(b)'s left hand toward PO Loschiavo's groin, and § 87(2)(b) pulled his arm back. After approximately 5 minutes of pulling back and forth, PO Loschiavo bit § 87(2)(b)'s left forearm. § 87(2)(b) was later processed, taken to court and released, at which time he went to § 87(2)(b) because he was in pain (01 Board Review).

PO Loschiavo stated that only he and PO Aniano transported § 87(2)(b) to the 103rd Precinct Stationhouse. PO Loschiavo also stated that he was the operator of the patrol car and denied pulling § 87(2)(b)'s left arm toward his groin. PO Loschiavo also denied biting § 87(2)(b)'s left forearm (05 and 22 Board Review).

PO Aniano stated that neither he nor PO Loschiavo traveled in the backseat with § 87(2)(b) to the 103rd Precinct Stationhouse. PO Aniano did not see PO Loschiavo pull § 87(2)(b)'s left hand towards PO Loschiavo's groin and did not see PO Loschiavo bite § 87(2)(b)'s left forearm. PO Aniano did not take these actions against § 87(2)(b) (04 and 21 Board Review).

Initially, § 87(2)(b) declined to give the CCRB access to his medical records but stated that he sought medical treatment for injuries from this incident at § 87(2)(b) (01 Board Review: § 87(2)(b)). There were no medical records for § 87(2)(b) as a patient at § 87(2)(b). § 87(2)(b) later stated that he went to § 87(2)(b) in Long Island for treatment (19 Board Review: § 87(2)(b) phone statement). The photographs of § 87(2)(b)'s injuries provided by § 87(2)(b) who stated that they were taken on the day of the incident, only showed an abrasion to § 87(2)(b)'s left knee and what appeared to be a small abrasion on lower right side of his chin (03 Board Review). However, § 87(2)(b)'s arrest photograph did not show the small abrasion on the chin (20 Board Review).

§ 87(2)(g)

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Team: \_\_\_\_\_

Investigator: \_\_\_\_\_  
Signature Print Date

Supervisor: \_\_\_\_\_  
Title/Signature Print Date

Reviewer: \_\_\_\_\_  
Title/Signature Print Date

Reviewer: \_\_\_\_\_  
Title/Signature Print Date